

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION**

2311 RACING LLC d/b/a 23XI RACING, and  
FRONT ROW MOTORSPORTS, INC.,

Plaintiffs,

v.

NATIONAL ASSOCIATION FOR STOCK  
CAR AUTO RACING, LLC, NASCAR  
HOLDINGS, LLC, NASCAR EVENT  
MANAGEMENT, LLC, and JAMES FRANCE,

Defendants.

No. 3:24-cv-886-KDB-SCR

NASCAR EVENT MANAGEMENT, LLC,

Counter-Plaintiff,

v.

2311 RACING LLC d/b/a 23XI RACING,  
FRONT ROW MOTORSPORTS, INC., and  
CURTIS POLK,

Counter-Defendants.

**JOINT MOTION TO AMEND PRETRIAL ORDER AND CASE  
MANAGEMENT PLAN**

COME NOW THE PARTIES, pursuant to Rule 16(b)(4) of the Federal Rules of Civil Procedure and Rule 16.01 of the Local Rules of the Western District of North Carolina, National Association For Stock Car Auto Racing, LLC, NASCAR Holdings, LLC, NASCAR Event Management, LLC (“NEM” or “Counterclaim Plaintiff”), and James France (collectively, “Defendants”) and 2311 Racing LLC d/b/a 23XI Racing (“23XI”), Front Row Motorsports, Inc. (“Front Row”), and Curtis Polk (collectively, “Plaintiffs” or “Counterclaim Defendants”) (the

parties collectively, the “Parties”). The Parties respectfully move this Court to enter an Amended Pretrial Order as set forth below.

1. On December 20, 2024, the Court issued its Pretrial Order and Case Management Plan (Doc. No. 84) (“PTO”).

2. The PTO contained, among other things, the following discovery plan:

- a. Plaintiffs’ expert reports are due July 15, 2025.
- b. Defendants’ expert reports are due July 30, 2025.
- c. Rebuttal reports are due August 15, 2025.
- d. Completion of Discovery is due September 19, 2025.
- e. Mediation Report is due September 26, 2025.
- f. Each side may take no more than 12 depositions of non-expert witnesses.
- g. Plaintiffs are permitted to take a 30(b)(6) deposition of NASCAR (lasting up to 14 hours over 2 days not including any questioning by Defendants’ counsel) and a deposition of Defendant James France (lasting up to 14 hours over 2 days not including any questioning by Defendants’ counsel).

3. On March 5, 2025, Defendants filed an amended answer, and NEM filed a counterclaim against 23XI, Front Row, and Curtis Polk (Doc. No. 111) (the “Counterclaim”).

4. Pursuant to Federal Rules of Civil Procedure 16(b)(4), a scheduling order may be modified for “good cause and with the judge’s consent.” Fed. R. Civ. P. 16(b)(4).

5. To date, the Parties have used their best efforts to exercise diligence in proceeding with this case. Good cause exists to amend the PTO in light of the need for additional time to prepare expert reports and additional discovery related to the Counterclaim.

6. In consideration of the Court's request that the Parties work cooperatively to address scheduling or other disputes (Jan. 8, 2025 Hr'g Tr. at 19:07-12), the Parties have conferred and proposed modifications to the PTO. These modifications do not affect the proposed dates for summary judgment or trial.

7. **DISCOVERY PLAN**

The Parties have conferred and propose to the Court the following amendments to the PTO:

- a. Plaintiffs' and Counterclaim Plaintiffs' expert reports are due July 15, 2025.
- b. Defendants' and Counterclaim Defendants' expert reports are due August 15, 2025.
- c. Rebuttal expert reports are due September 8, 2025.
- d. Completion of Discovery is due September 24, 2025.
- e. Mediation Report is due September 26, 2025.
- f. Each side may take no more than 17 depositions of non-expert witnesses.
- g. Defendants are permitted to take a deposition of Counterclaim Defendant Curtis Polk (lasting up to 14 hours over 2 days not including any questioning by Counterclaim Defendants' counsel).
- h. The Parties' initial disclosures, or amended initial disclosures as applicable, are due March 24, 2025.
- i. In the event that the Counterclaim is dismissed with prejudice, the Pretrial Order and Case Management Plan entered on December 20, 2024 will govern, with the exception of the modifications to the case schedule and deadlines

contained in Sections III.I and III.J of the Amended Pretrial Order and Case Management Plan.

8. The Parties believe these amendments will facilitate prompt and just resolution of this case.

9. This request is not made for the purpose of delay, and no party will be prejudiced by the amending the PTO.

10. This is the Parties' first request to amend the PTO.

WHEREFORE, the Parties respectfully request that the Court amend the PTO set forth in the proposed order submitted contemporaneously with this motion.

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Dated: March 21, 2025

Respectfully submitted,

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### **ARTIFICIAL INTELLIGENCE CERTIFICATION**

I hereby certify the following:

1. No artificial intelligence was employed in doing the research for the preparation of this document, with the exception of artificial intelligence embedded in the standard on-line legal research sources, such as Westlaw, Lexis, FastCase, and Bloomberg.

2. Every statement and every citation to an authority contained in this document has been checked by an attorney in this case and/or a paralegal working at his/her direction as to the accuracy of the proposition for which it is offered, and the citation to authority provided.

This the 21<sup>st</sup> day of March, 2025.

*/s/ Tricia Wilson Magee*